



Order Filed on December 30, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS CITRON, LLC
130 Clinton Road, Suite 202
Fairfield, New Jersey 07004
Telephone Number: 973-575-0707
Attorneys for Secured Creditor

Shauna Deluca, Esq. (SD-8248)

In Re:

Brian T. Fultz,

Debtor.

Case No.: 18-26234-RG

Chapter: 13

Hearing Date: August 5, 2020

Judge: Rosemary Gambardella

**ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: December 30, 2020

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Secured Creditor: NewRez LLC d/b/a Shellpoint Mortgage Servicing

Secured Creditor's Counsel: RAS Citron, LLC

Debtor's Counsel: Russell L. Low, Esq.

Property Involved ("Collateral"): 610 McBride Avenue, W. Paterson, NJ 07424

Relief sought: ■ Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. The Debtor was previously approved for a Trial Loan Modification which required three payments in the amount of \$1,766.42 be made on 9/1/2019, 10/1/2019, and 11/1/2019. Debtor successfully made these payments, but failed to return the signed Trial Modification or make any additional payments after the final payment. The status of the post-petition Trial Modification payments are as follows:

■ The Debtor is due for December 1, 2019 through August 1, 2020 Trial Modification payment in the amount of \$1,766.42 per month.

Funds Held In Suspense \$3.74

Total amount due: \$15,894.04

2. Debtor shall make a lump-sum payment in the amount of \$15,894.04 directly to Secured Creditor on or before August 31, 2020.

3. Debtor shall submit a proper Homestead Affidavit directly to Secured Creditor to provide Secured Creditor with the documents needed to complete review of the Debtor for a Final Loan Modification. Debtor shall timely comply with any and all other requests made by Secured Creditor in the event further documents are needed for review.

4. Debtor shall continue to maintain a payment pursuant to the Trial Modification Agreement in the amount of \$1,766.42 directly to Secured Creditor on September 1, 2020 while the Loan is under review for a Final Loan Modification.

5. In the event the Debtor is denied a Final Modification, or the Debtor fails to comply with the terms of this Order, Secured Creditor reserves its right to collect any and all amounts due under the terms of the original Note, rather than the Trial Loan Modification. Secured Creditor will not demand the remaining arrearages in the event a Final Modification is approved, and said amounts will be capitalized into any future Final Loan Modification.

6. Payments to the Secured Creditor shall be made to the following address(es):

Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, Ohio 45274-0039

7. In the event of Default:

■ Should the Debtor(s) fail to make the above captioned lump sum payment, or if any trial modification payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This order survives any Final Modification Agreement the parties may enter into during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

8. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.
The fees and costs are payable:
■ Through the Chapter 13 plan.